



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/575,211

04/10/2006

Mark Alan Graham

7175-74602

6912

23643 7590 11/10/2008
BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

EXAMINER

SY, MARIANO ONG

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

11/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,211	Applicant(s) GRAHAM ET AL.	
	Examiner MARIANO SY	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,11-13,19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-10,14-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/10/06, 08/11/06, 09/25/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election of Specie B, Fig. 3, claims 1-5, 8-10, 14-18s and 20 in the reply filed on September 25, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Komura (US 4,548,373).

Komura disclosed, as shown in fig. 1-2, a patient care equipment support system comprising: an arm 2, 3 supported in a hospital room for pivoting movement about a vertical axis, a column 1, 10 coupled to the arm, the column support patient care equipment, and a brake 7a movable between braking and releasing position to impede or allow pivoting movement of the arm, see abstract.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8-10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Ogasawara et al. (US 5,265,701).

Komura failed to disclose wherein the brake includes a brake pad engaging the pivot member, caliper arm and a linear actuator coupled to the caliper arm and brake pad.

Ogasawara et al. teaches the use of a linear actuator coupled to the brake pad and caliper arm and engagement with a pivot member.

Art Unit: 3657

It would have been obvious to one of ordinary skill in the art to use the known brake into the system of Komura, as taught by Ogasawara et al., as an alternate design choice with the same intended function of braking and releasing the movement of the arm about the axis.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Rotondo et al. (US 7,197,109).

Komura failed to disclose wherein the arm is a telescoping arm.

Rotondo et al. teaches, as shown in fig. 6a, the use of a telescoping arm in an x-ray imaging apparatus.

It would have been obvious to one of ordinary skill in the art to use the known telescoping arm into the system of Komura, as taught by Rotondo et al., in order to be able to have variable reaching positions for the arm.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Marchese et al. (US 6,213,481).

Komura failed to disclose wherein the arm extends outwardly from a headwall support structure or supported by a ceiling structure.

Marchese et al. teaches the use of an arm 2 equipped with a vertical column and a fixing device 1 allowing the structure to be fixed to the ceiling or to a wall, see abstract.

Art Unit: 3657

It would have been obvious to one of ordinary skill in the art to have the arm extends outwardly from a headwall support structure or supported by a ceiling structure into the system of Komura, as taught by Marchese et al., as a matter of design choice of mounting the system to a fix location.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ohlson (US 4,759,048)

Schweizer et al. (US 5,332,181)

Twisselmann (US 6,471,165)

Frick (US 7,128,300)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 3657

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MS/

October 27, 2008

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3657